

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**BOARD OF TRUSTEES OF THE
OHIO LABORERS BENEFITS,**

:

Plaintiff,

v.

**Case No. 2:22-cv-2681
Judge Sarah D. Morrison
Magistrate Judge Chelsey M.
Vascura**

TJRS, LLC, *et al.*,

:

Defendants.

ORDER

This matter is before the Court on the January 10, 2024 Report and Recommendation issued by the Magistrate Judge. (ECF No. 40.) Therein, the Magistrate Judge recommended that Defendants be held in contempt and that a fine of \$100.00 per day be imposed on Defendants TJRS, LLC and Delance Sims, individually, until each complies with the Court's August 4, 2022 Order to produce responses to Plaintiff's written discovery and appear for deposition. The Magistrate Judge further recommended that Defendants be ordered to pay the attorney's fees and costs Plaintiff reasonably incurred in connection with its motion for a show cause hearing, and that these sanctions not be imposed if Defendants complied within 14 days of service of the Report and Recommendation.

Defendants were advised of their right to file objections to the Report and Recommendation and the consequences of failing to do so, and a copy thereof was

submitted for personal service on Defendants January 10, 2024. Nonetheless, the time for filing objections has passed, and no objections have been filed.

For the reasons set forth therein, the Court hereby **ADOPTS** and **AFFIRMS** the Report and Recommendation (ECF No. 40), and Defendants are held in contempt of this Court. The Court **ORDERS** that Defendants each be fined \$100 per day for each day, beginning with the date of this Order, that they fail to produce discovery, appear for depositions, or provide any other information contemplated by the Court's August 8, 2022 Order.

The Court also **ORDERS** Defendants to pay Plaintiff's reasonable attorney's fees and costs incurred in the filing of its motion for a show cause hearing. Plaintiff shall file within 14 days of this Order a statement of attorney's fees and costs so incurred. Any objections to the reasonableness of Plaintiff's fees or costs shall be filed within 14 days of Plaintiff's filing.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE